

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Agere Ref.: Gobara 75-12-3

Re: Attorney Docket No. 1298/0F379

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Agere Systems Inc.

Application No./Patent No.: 09/589,391 Filed/Issued Date: 06/07/2000

Entitled: Adjustment of a Hearing Aid Using a Phone

Agere Systems Inc. Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

States that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title, and interest.
The extent (by, percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel ___, Frame ___, or for which a copy thereof is attached.

OR

B. A Chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Inventor(s) To: Lucent Technologies, Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 010870, Frame 0522, or for which a copy thereof is attached.
2. From: Lucent Technologies Inc. To: Agere Systems Guardian Corp.
The document was recorded in the United States Patent and Trademark Office at
Reel ___, Frame ___, or for which a copy thereof is attached.
3. From: Agere Systems Guardian Corp. To: Agere Systems Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel ___, Frame ___, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other document in the chain of title are attached.

[Note: A separate copy (i.e., the original assignment document or a true copy of the original documents) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Respectfully submitted,

Steve Mendelsohn
Registration No. 35,951
Attorney for Assignee
(215) 557-6657

Date: 1/24/06

Customer No. 46900
Mendelsohn & Associates, P.C.
1500 John F. Kennedy Blvd., Suite 405
Philadelphia, Pennsylvania 19102

EXECUTION COPY

PATENT ASSIGNMENT

by and between

LUCENT TECHNOLOGIES INC.

and

AGERE SYSTEMS GUARDIAN CORP.

Dated as of January 30, 2001

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PATENT ASSIGNMENT

THIS PATENT ASSIGNMENT (this "Assignment"), effective as of January 30, 2001 (the "Effective Date"), is by and between Lucent Technologies Inc., a Delaware corporation, with offices at 600 Mountain Avenue, Murray Hill, New Jersey 07974, United States of America, ("ASSIGNOR") and Agere Systems Guardian Corp., a Delaware corporation, with offices at 555 Union Boulevard, Allentown, PA 18109, United States of America ("Agere Systems Guardian").

RECITALS

A. WHEREAS, the Board of Directors of ASSIGNOR has determined that it is in the best interests of ASSIGNOR and its stockholders to separate ASSIGNOR's existing businesses into two independent businesses;

B. WHEREAS, ASSIGNOR presently owns or controls certain patents, patent applications, and invention submissions listed in the attached Appendices A and B (hereinafter "TRANSFERRED PATENTS") and;

C. WHEREAS, in furtherance of the foregoing separation, ASSIGNOR desires to transfer, assign, convey, deliver and vest all of its interests and rights in TRANSFERRED PATENTS for all countries, jurisdictions and political entities of the world, to and in Agere Systems Guardian;

NOW, THEREFORE, in consideration of the premises and for other good and valid consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

ASSIGNOR, subject to existing rights and licenses of third parties, does hereby assign, convey, transfer and deliver, and agrees to assign, convey, transfer and deliver to Agere Systems Guardian, its successors, assigns and legal representatives or nominees, ASSIGNOR's entire right, title and interest, for all countries, jurisdictions and political entities of the world, along with the right to sue for past infringement, to all TRANSFERRED PATENTS listed on Appendices A and B, and corresponding counterpart foreign patents and patent applications, with respect to which, and to the extent to which, ASSIGNOR now has or hereafter acquires the right to so assign, convey, transfer and deliver. Agere Systems Guardian recognizes that ASSIGNOR holds only bare legal title to the TRANSFERRED PATENTS listed in Appendix A (which lists the United States Patents and patent applications previously exclusively licensed to Lucent Technologies Microelectronics Guardian Corp.).

ASSIGNOR and ASSIGNEE recognize that the patents listed in Appendices A and B may inadvertently include patents that are owned by various subsidiaries of ASSIGNOR, including Agere, Inc., Ortel Corporation, Optimay Corporation, Herrmann Technology, Inc., and Enable Semiconductor, Inc. Ownership of such patents shall not be affected by this Patent

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Assignment, and ASSIGNEE agrees that any such patents shall be deemed deleted from Appendices A and B.

ASSIGNOR agrees that, upon request it will, at any time without charge to Agere Systems Guardian, but at Agere Systems Guardian's expense, furnish all necessary documentation relating to or supporting chain of title, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for vesting title to TRANSFERRED PATENTS in Agere Systems Guardian, its successors, assigns and legal representatives or nominees; including but not limited to any acts which may be necessary, desirable or convenient for claiming said rights and for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in Agere Systems Guardian and its respective successors, assigns and legal representatives or nominees.

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IN WITNESS WHEREOF, the parties have caused this PATENT ASSIGNMENT to be executed by their duly authorized representatives as of the Effective Date.

LUCENT TECHNOLOGIES INC.

By: 
Daniel P. McCurdy
President, Intellectual Property Business

AGERE SYSTEMS GUARDIAN CORP.

By: 
Fred M. Romano
President

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ACKNOWLEDGMENTS

STATE OF NEW JERSEY) : ss:
COUNTY OF SOMERSET)

I CERTIFY that on January 30, 2001, Daniel P. McCurdy personally came before me and this person acknowledged under oath, to my satisfaction that:

- a.) this person signed, sealed and delivered the attached Patent Assignment as President - Intellectual Property Business of Lucent Technologies Inc.; and
- b.) this Patent Assignment was signed and made by Lucent Technologies Inc. as its voluntary act and deed by virtue of authority from its Board of Directors.

Tamora Anne Hanna

Name **TAMORA ANNE HANNA**
Notary Public **Notary Public of New Jersey**
My Commission Expires **Registered in Hunterdon County**
[Notarial Seal] **My Commission Expires March 25, 2002**

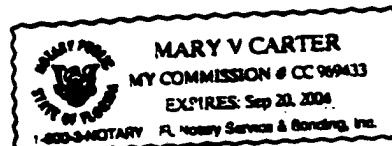
STATE OF FLORIDA) : ss:
COUNTY OF ORANGE)

I CERTIFY that on January 31, 2001, Fred M. Romano personally came before me and this person acknowledged under oath, to my satisfaction that:

- a.) this person signed, sealed and delivered the attached Patent Assignment as Vice President of Agere Systems Guardian Corp.; and
- b.) this Patent Assignment was signed and made by Agere Systems Guardian Corp. as its voluntary act and deed by virtue of authority from its Board of Directors.

Mary V Carter

Name **MARY V CARTER**
Notary Public
My Commission Expires:
[Notarial Seal]



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APPENDIX B (continued)
Transferred Patents

| Case Name | Filing Date | Issue Date | Patent No. | Serial No. |
|-----------------------|-------------|------------|------------|------------|
| Fritzinger 8-1-1-1 | 1/20/1998 | | 09/009399 | |
| Fritzinger 9-5-2-5-14 | 11/23/1999 | | | 09/447893 |
| Frye 23-4-81 | 3/2/1999 | | | 09/261093 |
| Frye 25-1 | 8/4/1999 | 8/1/2000 | 6097273 | 09/366841 |
| Fryer 1-1 | 10/12/1999 | 8/22/2000 | 6107789 | 09/416033 |
| Fryer 2-2 | 10/12/1999 | | | 09/416464 |
| Fuehrer 2-9-24-11 | 11/16/1998 | | | 09/192651 |
| Fulmer 1-1-1-7 | 1/31/2000 | | | 09/495154 |
| Fulmer 2-1-1 | 1/10/2000 | | | 09/480014 |
| Gabara 39-48 | 4/9/1997 | | 08/838536 | |
| Gabara 44-8-11 | 4/23/1998 | | 09/065255 | |
| Gabara 45 | 5/29/1998 | | 09/087538 | |
| Gabara 47 | 5/22/1998 | | 09/083172 | |
| Gabara 48 | 8/14/1998 | | 09/134802 | |
| Gabara 49-5 | 6/29/1998 | | 09/106284 | |
| Gabara 51 | 8/25/1998 | 8/8/2000 | 09/139300 | 6100743 |
| Gabara 52 | 9/24/1999 | | | 09/405247 |
| Gabara 54 | 12/28/1998 | | | 09/221264 |
| Gabara 57-5 | 9/29/1998 | | 09/162852 | |
| Gabara 58 | 9/29/1998 | | 09/162851 | |
| Gabara 59 | 10/13/1998 | | | 09/170165 |
| Gabara 61 | 12/28/1998 | | | 09/221263 |
| Gabara 62 | 8/25/1998 | | | 09/139299 |
| Gabara 67 | 1/26/1999 | | | 09/236675 |
| Gabara 69-1 | 11/10/1999 | | | 09/437273 |
| Gabara 72-12 | 5/14/1999 | | | 09/311589 |
| Gabara 73-1 | 8/13/1999 | | | 09/374258 |
| Gabara 74-13 | 7/29/1999 | | | 09/363524 |
| → Gabara 75-12-3 | 6/7/2000 | | | 09/589391 |
| Gabara 76-3-14-68 | 11/29/1999 | | | 09/450524 |
| Gabara 77 | 12/1/1999 | | | 09/452611 |
| Gabara 79 | 8/25/2000 | | 09/648162 | |
| Gabor 1-21-16 | 3/12/1999 | | | 09/268448 |
| Galvin-Donoghue 6-3 | 9/18/1995 | | 08/529775 | |
| Gammel 13-56 | 3/26/1999 | | | 09/280804 |
| Gammel 18-47-1-57 | 8/30/2000 | | 09/651696 | |
| Garcia 1-2 | 3/16/2000 | | | 09/527010 |
| Garner 6-3 | 5/4/1998 | 4/18/2000 | 6062030 | |
| Gaudet 1 | 4/13/1999 | | | 09/290764 |
| Gaudet 2 | 4/13/1999 | | | 09/290603 |
| Genetti 1-1 | 3/17/2000 | | | 09/528071 |
| Geva 5-1-3-20 | 3/31/2000 | | | 09/540474 |
| Giannuzzi 2-13-7 | 5/9/2000 | | | 09/567675 |
| Giannuzzi 3-19-12 | 5/9/2000 | | | 09/567373 |
| Giannuzzi 4-20-13 | 5/9/2000 | | | 09/567359 |
| Gibson 3-12-2-16-10 | 8/30/1999 | | | 09/385713 |
| Gibson 4-13-3-17-11 | 8/30/1999 | | | 09/385714 |
| Gibson 6-28-5-20-15 | 5/18/2000 | | | 09/575214 |
| Glas 2 | 9/25/1998 | | 09/161164 | |
| Glas 3-8 | 12/23/1998 | 4/11/2000 | 6049248 | 09/220980 |
| Glogovsky 4 | 11/5/1998 | 02/29/00 | 6030903 | |
| Glogovsky 5 | 8/3/1999 | 8/22/2000 | 6107110 | 09/366250 |
| Gloudemans 2-1-1 | 12/2/1998 | | | 09/203974 |
| Goeddel 10-7-12-1-7 | 6/10/1999 | | | 09/329399 |
| Golden 16-5-11-24 | 5/2/1997 | | 08/850896 | |
| Golden 17-6-12-25 | 5/2/1997 | | 08/850738 | |
| Goldovsky 1-17 | 5/15/1998 | | 09/079642 | |
| Goldovsky 2-20 | 8/20/1998 | | 09/137390 | |
| Goldovsky 5-12 | 3/15/2000 | | | 09/525644 |
| Goldovsky 6-1 | 5/11/2000 | | | 09/569022 |

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 08/29/2002
020545223 - 3268412

CERTIFICATE OF OWNERSHIP AND MERGER

OF

Agere Systems Guardian Corp.
(a Delaware corporation)

INTO

Agere Systems Inc.
(a Delaware corporation)

**UNDER SECTION 253 OF THE GENERAL
CORPORATION LAW OF THE STATE OF DELAWARE**

Agere Systems Inc., a corporation organized and existing under the laws of Delaware ("Corporation"), **DOES HEREBY CERTIFY:**

FIRST: The Corporation is the owner of all of the outstanding shares of common stock of Agere Systems Guardian Corp., which is also a business corporation of the State of Delaware.

SECOND: On August 22, 2002 the Subsidiary Governance Committee of the Board of Directors of the Corporation adopted the following resolution to merge Agere Systems Guardian Corp. into the Corporation:

RESOLVED that Agere Systems Guardian Corp., a Delaware corporation, shall be merged with and into Agere Systems Inc., a Delaware corporation, with Agere Systems Inc. being the surviving corporation, and Agere Systems Inc. shall thereupon assume all of the obligations of Agere Systems Guardian Corp. *

THIRD: That the merger authorized hereby shall become effective as of 9:00 a.m. Eastern Standard Time on August 31, 2002.

Executed on August 22, 2002

AGERE SYSTEMS INC.

By Paul Bento
Paul Bento, Vice President

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Delaware

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The First State

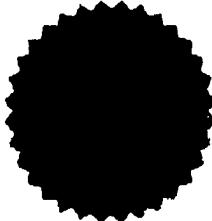
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AGERE SYSTEMS GUARDIAN CORP.", A DELAWARE CORPORATION, WITH AND INTO "AGERE SYSTEMS INC." UNDER THE NAME OF "AGERE SYSTEMS INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF AUGUST, A.D. 2002, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF AUGUST, A.D. 2002.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

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Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

3268412 8100M

AUTHENTICATION: 1959517

020545223

DATE: 08-29-02